



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1996

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
P.O. Box 1478
Austin, Texas 78767

OR96-1360

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100241.

The Travis County Pre-Trial, Assessments, & Counseling Services ("P.A.C.S.") received a request for a complete copy of the requestor's file. You state that P.A.C.S. has released some of the requested information to the requestor. However, you claim that the requested records are records of the judiciary and consequently not subject to the provisions of chapter 552 of the Government Code. You also claim that, if the requested information is subject to chapter 552, the records not released to the requestor are excepted from disclosure under sections 552.101 and 552.122 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

Records of the judiciary are specifically excepted from the provisions of chapter 552 of the Government Code. Gov't Code § 552.003(1)(B). In *Benavides v. Lee*, 665 S.W.2d 151 (Tex. App.--San Antonio 1983, no writ), the court explained the purpose of the judiciary exception as follows:

The judiciary exception... is important to safeguard judicial proceedings and maintain the independence of the judicial branch of government, preserving statutory and case law already governing access to judicial records. But it must not be extended to every governmental entity having any connection with the judiciary.

Id. at 152. The court in *Benavides* found the Webb County Juvenile Board not to be a part of the judiciary. In so finding, the court reasoned that an analysis of the judiciary

exception should focus on the governmental body itself and the kind of information requested. *Id.* at 151; see Open Records Decision No. 572 (1990).

Looking at the kind of information that is requested here, we conclude that, in this instance, the records are records of the judiciary. The records reflect that the court ordered the requestor to undergo an assessment and evaluation. You state that P.A.C.S. uses the submitted documents to develop an evaluation report that P.A.C.S. submitted to the judge for the judge's use in a pending case. We believe that these records are similar in nature to those at issue in Open Records Decision No. 572 (1990). In concluding that those records were records of the judiciary, we stated:

Each report is prepared in reference to a specific cause before a court, and is reviewed by the judge of the court before which the cause is pending for the purpose of informing the judge in the exercise of his judicial function. In this regard, the reports prepared by a personal bond office are similar to pleadings, briefs, and other documents prepared to invoke or inform the exercise of judicial authority. Accordingly, we find that in conducting investigations and preparing reports pursuant to article 17.42, section 1, V.T.C.S., the Personal Bond Program functions as an arm of the court. The information gathered and the reports prepared pursuant to article 17.42 are, therefore, records of the judiciary and not subject to the Open Records Act.

We reach the same conclusion here. Therefore, the requested records are not subject to the provisions of chapter 552 of the Government Code, and P.A.C.S. need not comply with the request.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 100241

Enclosures: Submitted documents

cc: Mr. Stephen Kuhns
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(w/o enclosures)